

# HOUSE BILL REPORT

## SHB 1265

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### As Amended by the Senate

**Title:** An act relating to modifying provisions in the forms for traffic infraction notices.

**Brief Description:** Modifying provisions in the forms for traffic infraction notices.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Freeman, Rodne, Goodman and Ryu).

#### Brief History:

##### Committee Activity:

Transportation: 2/13/13, 2/20/13 [DPS].

##### Floor Activity:

Passed House: 3/4/13, 98-0.

Senate Amended.

Passed Senate: 4/9/13, 48-0.

#### Brief Summary of Substitute Bill

- Changes the text of traffic infraction notices to correct references to a vehicle's registration and to indicate that the Department of Licensing will not suspend a driver's license in certain circumstances.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Clibborn, Chair; Fey, Vice Chair; Liias, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel, Bergquist, Farrell, Fitzgibbon, Habib, Hayes, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Moeller, Morris, O'Ban, Riccelli, Rodne, Ryu, Sells, Shea, Takko, Tarleton, Upthegrove and Zeiger.

**Staff:** Andrew Russell (786-7143).

#### Background:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A failure to follow the rules of the road, and equivalent local laws, is generally a traffic infraction, which is not classified as a criminal offense. A law enforcement officer may issue a notice of a traffic infraction when the infraction was committed in the officer's presence, at the request of another officer in whose presence the infraction was committed, if the officer has reasonable cause to believe that a driver involved in an accident has committed a traffic infraction, or through the use of automated safety cameras. This notice may also be affixed to a vehicle in certain circumstances. A notice of traffic infraction represents a determination that an infraction has been committed; this determination is final unless it is contested by the violator.

A traffic infraction carries a fine of up to \$250; however, if a person fails to respond to a notice of a traffic infraction, the Department of Licensing (DOL) will institute proceedings to suspend the driver's license. Starting July 1, 2013, the DOL is not obligated to suspend a driver's license for the driver's failure to respond to a traffic infraction, if that infraction was a non-moving violation. Similarly, the DOL is not obligated to suspend a driver's license for the driver's failure to appear at a requested hearing for a non-moving violation. The current text of the notice of a traffic infraction states that a person's driver's license "will be suspended" if that person fails to respond to the notice within 15 days. The text also states that a person's failure to appear at a hearing requested by that person "will result in the suspension" of that person's driver's license.

**Summary of Substitute Bill:**

The text of a notice of infraction is changed to reflect a change in the law. The new text of a traffic infraction notice states only that the DOL "may" suspend a driver's license for failure to respond to the notice or appear at a requested hearing. These changes must be included on any traffic infraction notice forms that are newly purchased after the bill goes into effect.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment strikes a section of the underlying bill that required the bill's changes to traffic infraction notices be included on all such notices that are purchased after the effective date of the act. Instead, the amendment provides that the bill's changes to traffic infraction notices must be included on such notices by July 1, 2015. As a result, on that date, law enforcement agencies must cease using any surplus noncomplying forms

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill helps conform the practice to current law, as required by a bill that was passed last year. These changes should not be too costly because these forms are reordered periodically anyway, and law enforcement is moving to electronic ticketing.

(Opposed) None.

**Persons Testifying:** Representative Freeman, prime sponsor; and Melanie Stewart, District and Municipal Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** None.